

AMENDED IN ASSEMBLY MAY 23, 2014

AMENDED IN ASSEMBLY MARCH 17, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1454

Introduced by Assembly Member Ian Calderon

(Principal coauthor: Assembly Member Rodriguez)

(Coauthors: Assembly Members Ammiano, Atkins, Bocanegra, Brown, Buchanan, Dababneh, Dickinson, Lowenthal, Maienschein, Rendon, Salas, Stone, Ting, Waldron, Weber, and Wieckowski)

(Coauthors: Senators Cannella and Gaines)

January 9, 2014

An act to amend Sections 1534, 1569.20, 1569.33, 1597.09, and 1597.55a of the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1454, as amended, Ian Calderon. Care facilities: regulatory visits.

Under existing law, the State Department of Social Services regulates the licensure and operation of community care facilities, residential care facilities for the elderly, child day care centers, and family day care homes. Existing law requires that these facilities be subject to unannounced visits by the department that occur at least once every 5 years. Existing law requires the department to conduct an annual unannounced visit under specified circumstances, including when a license is on probation, and to conduct annual unannounced visits to no less than 20% of the facilities not subject to an evaluation under those specified circumstances.

This bill would instead make every facility of the types described above subject to an annual unannounced visit by the department *on and after July 1, 2017*. ~~The bill would require the department to conduct more frequent unannounced visits under specified circumstances. The bill would delete~~ *revise* the provisions requiring the department to conduct annual unannounced visits to no less than 20% of the facilities ~~and by instead requiring the department to conduct annual unannounced visits to no less than 30% of facilities on or before July 1, 2015, and no less than 20% of those facilities on or before July 1, 2016. The bill would also delete~~ the provisions requiring an unannounced visit at least once every 5 years.

Existing law requires the department to immediately request a fire clearance and notify an applicant to arrange a time for the department to conduct a precensure survey if an application for initial licensure is complete.

This bill would provide that the precensure survey is optional at the discretion of the department if the department determines that an application is for licensure of a currently licensed facility, ~~as specified~~. *for which there will be no material change to the management or operations of the facility.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 1534 of the Health and Safety Code is*
- 2 *amended to read:*
- 3 1534. (a) (1) Every licensed community care facility shall be
- 4 subject to unannounced visits by the department. The department
- 5 shall visit these facilities as often as necessary to ensure the quality
- 6 of care provided.
- 7 (A) The department shall conduct an annual unannounced visit
- 8 to a facility under any of the following circumstances:
- 9 (i) When a license is on probation.
- 10 (ii) When the terms of agreement in a facility compliance plan
- 11 require an annual evaluation.
- 12 (iii) When an accusation against a licensee is pending.
- 13 (iv) When a facility requires an annual visit as a condition of
- 14 receiving federal financial participation.

1 (v) In order to verify that a person who has been ordered out of
2 a facility by the department is no longer at the facility.

3 (B) (i) ~~The~~ *On or before July 1, 2015, the* department shall
4 conduct annual unannounced visits to no less than ~~20~~ 30 percent
5 of facilities *that are* not subject to an evaluation ~~under pursuant~~
6 *to* subparagraph (A). These unannounced visits shall be conducted
7 based on a random sampling methodology developed by the
8 department. *Under no circumstance shall the department visit a*
9 *licensed community care facility less often than once every three*
10 *years.*

11 (ii) ~~If the total citations issued by the department exceed the~~
12 ~~previous year's total by 10 percent, the following year the~~
13 ~~department shall increase the random sample by an additional 10~~
14 ~~percent of the facilities not subject to an evaluation under~~
15 ~~subparagraph (A). The department may request additional resources~~
16 ~~to increase the random sample by 10 percent.~~

17 (C) ~~Under no circumstance shall the department visit a~~
18 ~~community care facility less often than once every five years.~~

19 (ii) *On or before July 1, 2016, the department shall conduct*
20 *annual unannounced visits to no less than 20 percent of facilities*
21 *that are not subject to an evaluation pursuant to subparagraph*
22 *(A). These unannounced visits shall be conducted based on a*
23 *random sampling methodology developed by the department. Under*
24 *no circumstance shall the department visit a licensed community*
25 *care facility less often than once every two years.*

26 (C) *On and after July 1, 2017, the department shall conduct at*
27 *least one annual unannounced visit to each licensed community*
28 *care facility.*

29 (D) In order to facilitate direct contact with group home clients,
30 the department may interview children who are clients of group
31 homes at any public agency or private agency at which the client
32 may be found, including, but not limited to, a juvenile hall,
33 recreation or vocational program, or a nonpublic school. The
34 department shall respect the rights of the child while conducting
35 the interview, including informing the child that he or she has the
36 right not to be interviewed and the right to have another adult
37 present during the interview.

38 (2) The department shall notify the community care facility in
39 writing of all deficiencies in its compliance with ~~the provisions of~~
40 this chapter and the rules and regulations adopted pursuant to this

chapter, and shall set a reasonable length of time for compliance by the facility.

(3) Reports on the results of each inspection, evaluation, or consultation shall be kept on file in the department, and all inspection reports, consultation reports, lists of deficiencies, and plans of correction shall be open to public inspection.

(b) (1) ~~Nothing in this section shall~~ *This section does not* limit the authority of the department to inspect or evaluate a licensed foster family agency, a certified family home, or any aspect of a program ~~where in which~~ a licensed community care facility is certifying compliance with licensing requirements.

(2) Upon a finding of noncompliance by the department, the department may require a foster family agency to deny or revoke the certificate of approval of a certified family home, or take other action the department may deem necessary for the protection of a child placed with the family home. The family home shall be afforded the due process provided pursuant to this chapter.

(3) If the department requires a foster family agency to deny or revoke the certificate of approval, the department shall serve an order of denial or revocation upon the certified or prospective foster parent and foster family agency that shall notify the certified or prospective foster parent of the basis of the department's action and of the certified or prospective foster parent's right to a hearing.

(4) Within 15 days after the department serves an order of denial or revocation, the certified or prospective foster parent may file a written appeal of the department's decision with the department. The department's action shall be final if the certified or prospective foster parent does not file a written appeal within 15 days after the department serves the denial or revocation order.

(5) The department's order of the denial or revocation of the certificate of approval shall remain in effect until the hearing is completed and the director has made a final determination on the merits.

(6) A certified or prospective foster parent who files a written appeal of the department's order with the department pursuant to this section shall, as part of the written request, provide his or her current mailing address. The certified or prospective foster parent shall subsequently notify the department in writing of any change in mailing address, until the hearing process has been completed or terminated.

(7) Hearings held pursuant to this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of *Part 1* of Division 3 of Title 2 of the Government Code. In all proceedings conducted in accordance with this ~~section~~ *section*, the standard of proof shall be by a preponderance of the evidence.

(8) The department may institute or continue a disciplinary proceeding against a certified or prospective foster parent upon any ground provided by this section, enter an order denying or revoking the certificate of approval, or otherwise take disciplinary action against the certified or prospective foster parent, notwithstanding any resignation, withdrawal of application, surrender of the certificate of approval, or denial or revocation of the certificate of approval by the foster family agency.

(9) A foster family agency's failure to comply with the department's order to deny or revoke the certificate of employment by placing or retaining children in care shall be grounds for disciplining the licensee pursuant to Section 1550.

SEC. 2. Section 1569.20 of the Health and Safety Code is amended to read:

1569.20. Upon the filing of the application for issuance of an initial license, the department shall, within five working days of the filing, make a determination regarding the completeness of the application. If the application is complete, the department shall immediately request a fire clearance and notify the applicant to arrange a time for the department to conduct a prelicensure survey. ~~If the application is~~ *department determines that an application is for licensure of a currently licensed facility for which there will be no material change to the management or operations of the facility, the prelicensure survey is optional at the discretion of the department.* If the application is incomplete, the department shall notify the applicant and request the necessary information. Within 60 days of making a determination that the file is complete, the department shall make a determination whether the application is in compliance with this chapter and the rules and regulations of the department and shall either immediately issue the license or notify the applicant of the deficiencies. The notice shall specify whether the deficiencies constitute denial of the application or whether further corrections for compliance will likely result in approval of the application.

1 *SEC. 3. Section 1569.33 of the Health and Safety Code is*
2 *amended to read:*

3 1569.33. (a) Every licensed residential care facility for the
4 elderly shall be subject to unannounced visits by the department.
5 The department shall visit these facilities as often as necessary to
6 ensure the quality of care provided.

7 (b) The department shall conduct an annual unannounced visit
8 of a facility under any of the following circumstances:

9 (1) When a license is on probation.

10 (2) When the terms of agreement in a facility compliance plan
11 require an annual evaluation.

12 (3) When an accusation against a licensee is pending.

13 (4) When a facility requires an annual visit as a condition of
14 receiving federal financial participation.

15 (5) In order to verify that a person who has been ordered out of
16 the facility for the elderly by the department is no longer at the
17 facility.

18 (c) (1) ~~The~~ *On or before July 1, 2015, the* department shall
19 conduct annual unannounced visits to no less than ~~20~~ 30 percent
20 of facilities *that are* not subject to an evaluation ~~under pursuant~~
21 to subdivision (b). These unannounced visits shall be conducted
22 based on a random sampling methodology developed by the
23 department. *Under no circumstance shall the department visit a*
24 *licensed residential care facility for the elderly less often than once*
25 *every three years.*

26 ~~(2) If the total citations issued by the department exceed the~~
27 ~~previous year's total by 10 percent, the following year the~~
28 ~~department shall increase the random sample by 10 percent of the~~
29 ~~facilities not subject to an evaluation under subdivision (b). The~~
30 ~~department may request additional resources to increase the random~~
31 ~~sample by 10 percent.~~

32 ~~(d) Under no circumstance shall the department visit a residential~~
33 ~~care facility for the elderly less often than once every five years.~~

34 (2) *On or before July 1, 2016, the department shall conduct*
35 *annual unannounced visits to no less than 20 percent of facilities*
36 *that are not subject to an evaluation pursuant to subdivision (b).*
37 *These unannounced visits shall be conducted based on a random*
38 *sampling methodology developed by the department. Under no*
39 *circumstance shall the department visit a licensed residential care*
40 *facility for the elderly less often than once every two years.*

1 (d) *On and after July 1, 2017, the department shall conduct at*
2 *least one annual unannounced visit to each licensed residential*
3 *care facility for the elderly.*

4 (e) The department shall notify the residential care facility for
5 the elderly in writing of all deficiencies in its compliance with the
6 provisions of this chapter and the rules and regulations adopted
7 pursuant to this chapter, and shall set a reasonable length of time
8 for compliance by the facility.

9 (f) Reports on the results of each inspection, evaluation, or
10 consultation shall be kept on file in the department, and all
11 inspection reports, consultation reports, lists of deficiencies, and
12 plans of correction shall be open to public inspection.

13 (g) As a part of the department's evaluation process, the
14 department shall review the plan of operation, training logs, and
15 marketing materials of any residential care facility for the elderly
16 that advertises or promotes special care, special programming, or
17 a special environment for persons with dementia to monitor
18 compliance with Sections 1569.626 and 1569.627.

19 *SEC. 4. Section 1597.09 of the Health and Safety Code is*
20 *amended to read:*

21 1597.09. (a) Each licensed child day care center shall be
22 subject to unannounced visits by the department. The department
23 shall visit these facilities as often as necessary to ensure the quality
24 of care provided.

25 (b) The department shall conduct an annual unannounced visit
26 to a licensed child day care center under any of the following
27 circumstances:

28 (1) When a license is on probation.

29 (2) When the terms of agreement in a facility compliance plan
30 require an annual evaluation.

31 (3) When an accusation against a licensee is pending.

32 (4) In order to verify that a person who has been ordered out of
33 a child day care center by the department is no longer at the facility.

34 (c) (1) ~~The~~ *On or before July 1, 2015, the department shall*
35 *conduct an annual unannounced visit to no less than 20 30 percent*
36 *of facilities not subject to an evaluation—under pursuant to*
37 *subdivision (b). These unannounced visits shall be conducted based*
38 *on a random sampling methodology developed by the department.*
39 *Under no circumstance shall the department visit a licensed child*
40 *day care center less often than once every three years.*

~~(2) If the total citations issued by the department exceed the previous year's total by 10 percent, the following year the department shall increase the random sample by 10 percent of facilities not subject to an evaluation under subdivision (b). The department may request additional resources to increase the random sample by 10 percent.~~

~~(d) Under no circumstance shall the department visit a licensed child day care center less often than once every five years.~~

(2) On or before July 1, 2016, the department shall conduct annual unannounced visits to no less than 20 percent of the licensed child day care centers that are not subject to an evaluation pursuant to subdivision (b). These unannounced visits shall be conducted based on a random sampling methodology developed by the department. Under no circumstance shall the department visit a licensed child day care center less often than once every two years.

(d) On and after July 1, 2017, the department shall conduct at least one annual unannounced visit to each licensed child day care center.

SEC. 5. Section 1597.55a of the Health and Safety Code is amended to read:

1597.55a. Every licensed family day care home shall be subject to unannounced visits by the department as provided in this section. The department shall visit these facilities as often as necessary to ensure the quality of care provided.

(a) The department shall conduct an announced site visit prior to the initial licensing of the applicant.

(b) The department shall conduct an annual unannounced visit to a facility under any of the following circumstances:

(1) When a license is on probation.

(2) When the terms of agreement in a facility compliance plan require an annual evaluation.

(3) When an accusation against a licensee is pending.

(4) In order to verify that a person who has been ordered out of a family day care home by the department is no longer at the facility.

(c) (1) ~~The~~ On or before July 1, 2015, the department shall conduct annual unannounced visits to no less than ~~20~~ 30 percent of facilities that are not subject to an evaluation ~~under~~ pursuant to subdivision (b). These unannounced visits shall be conducted

1 based on a random sampling methodology developed by the
2 department. *Under no circumstance shall the department visit a*
3 *licensed family day care home less often than once every three*
4 *years.*

5 ~~(2) If the total citations issued by the department exceed the~~
6 ~~previous year's total by 10 percent, the following year the~~
7 ~~department shall increase the random sample by 10 percent of the~~
8 ~~facilities not subject to an evaluation under subdivision (b). The~~
9 ~~department may request additional resources to increase the random~~
10 ~~sample by 10 percent.~~

11 ~~(d) Under no circumstance shall the department visit a licensed~~
12 ~~family day care home less often than once every five years.~~

13 (2) *On or before July 1, 2016, the department shall conduct*
14 *annual unannounced visits to no less than 20 percent of the*
15 *licensed family day care homes that are not subject to an*
16 *evaluation pursuant to subdivision (b). These unannounced visits*
17 *shall be conducted based on a random sampling methodology*
18 *developed by the department. Under no circumstance shall the*
19 *department visit a licensed family day care home less often than*
20 *once every two years.*

21 (d) *On and after July 1, 2017, the department shall conduct at*
22 *least one annual unannounced visit to each licensed family day*
23 *care home.*

24 (e) A public agency under contract with the department may
25 make spot checks if it does not result in any cost to the state.
26 However, spot checks shall not be required by the department.

27 (f) The department or licensing agency shall make an
28 unannounced site visit on the basis of a complaint and a followup
29 visit as provided in Section 1596.853.

30 (g) An unannounced site visit shall adhere to both of the
31 following conditions:

32 (1) The visit shall take place only during the facility's normal
33 business hours or at any time family day care services are being
34 provided.

35 (2) The inspection of the facility shall be limited to those parts
36 of the facility in which family day care services are provided or
37 to which the children have access.

38 (h) The department shall implement this section during periods
39 that Section 1597.55b is not being implemented in accordance
40 with Section 18285.5 of the Welfare and Institutions Code.

1 ~~SECTION 1. Section 1534 of the Health and Safety Code is~~
2 ~~amended to read:~~

3 ~~1534. (a) (1) Every licensed community care facility shall be~~
4 ~~subject to an annual unannounced visit by the department. The~~
5 ~~department shall visit these facilities as often as necessary to ensure~~
6 ~~the quality of care provided.~~

7 ~~(A) The department shall conduct more frequent unannounced~~
8 ~~visits to a facility under any of the following circumstances:~~

9 ~~(i) When a license is on probation.~~

10 ~~(ii) When the terms of agreement in a facility compliance plan~~
11 ~~require more frequent unannounced visits.~~

12 ~~(iii) When an accusation against a licensee is pending.~~

13 ~~(iv) When a facility requires more frequent unannounced visits~~
14 ~~as a condition of receiving federal financial participation.~~

15 ~~(v) In order to verify that a person who has been ordered out of~~
16 ~~a facility by the department is no longer at the facility.~~

17 ~~(B) In order to facilitate direct contact with group home clients,~~
18 ~~the department may interview children who are clients of group~~
19 ~~homes at any public agency or private agency at which the client~~
20 ~~may be found, including, but not limited to, a juvenile hall,~~
21 ~~recreation or vocational program, or a nonpublic school. The~~
22 ~~department shall respect the rights of the child while conducting~~
23 ~~the interview, including informing the child that he or she has the~~
24 ~~right not to be interviewed and the right to have another adult~~
25 ~~present during the interview.~~

26 ~~(2) The department shall notify the community care facility in~~
27 ~~writing of all deficiencies in its compliance with the provisions of~~
28 ~~this chapter and the rules and regulations adopted pursuant to this~~
29 ~~chapter, and shall set a reasonable length of time for compliance~~
30 ~~by the facility.~~

31 ~~(3) Reports on the results of each inspection, evaluation, or~~
32 ~~consultation shall be kept on file in the department, and all~~
33 ~~inspection reports, consultation reports, lists of deficiencies, and~~
34 ~~plans of correction shall be open to public inspection.~~

35 ~~(b) (1) This section does not limit the authority of the~~
36 ~~department to inspect or evaluate a licensed foster family agency,~~
37 ~~a certified family home, or any aspect of a program in which a~~
38 ~~licensed community care facility is certifying compliance with~~
39 ~~licensing requirements.~~

1 ~~(2) Upon a finding of noncompliance by the department, the~~
2 ~~department may require a foster family agency to deny or revoke~~
3 ~~the certificate of approval of a certified family home, or take other~~
4 ~~action the department may deem necessary for the protection of a~~
5 ~~child placed with the family home. The family home shall be~~
6 ~~afforded the due process provided pursuant to this chapter.~~

7 ~~(3) If the department requires a foster family agency to deny or~~
8 ~~revoke the certificate of approval, the department shall serve an~~
9 ~~order of denial or revocation upon the certified or prospective~~
10 ~~foster parent and foster family agency that shall notify the certified~~
11 ~~or prospective foster parent of the basis of the department's action~~
12 ~~and of the certified or prospective foster parent's right to a hearing.~~

13 ~~(4) Within 15 days after the department serves an order of denial~~
14 ~~or revocation, the certified or prospective foster parent may file a~~
15 ~~written appeal of the department's decision with the department.~~
16 ~~The department's action shall be final if the certified or prospective~~
17 ~~foster parent does not file a written appeal within 15 days after the~~
18 ~~department serves the denial or revocation order.~~

19 ~~(5) The department's order of the denial or revocation of the~~
20 ~~certificate of approval shall remain in effect until the hearing is~~
21 ~~completed and the director has made a final determination on the~~
22 ~~merits.~~

23 ~~(6) A certified or prospective foster parent who files a written~~
24 ~~appeal of the department's order with the department pursuant to~~
25 ~~this section shall, as part of the written request, provide his or her~~
26 ~~current mailing address. The certified or prospective foster parent~~
27 ~~shall subsequently notify the department in writing of any change~~
28 ~~in mailing address, until the hearing process has been completed~~
29 ~~or terminated.~~

30 ~~(7) Hearings held pursuant to this section shall be conducted in~~
31 ~~accordance with Chapter 5 (commencing with Section 11500) of~~
32 ~~Part 1 of Division 3 of Title 2 of the Government Code. In all~~
33 ~~proceedings conducted in accordance with this section, the standard~~
34 ~~of proof shall be by a preponderance of the evidence.~~

35 ~~(8) The department may institute or continue a disciplinary~~
36 ~~proceeding against a certified or prospective foster parent upon~~
37 ~~any ground provided by this section, enter an order denying or~~
38 ~~revoking the certificate of approval, or otherwise take disciplinary~~
39 ~~action against the certified or prospective foster parent,~~
40 ~~notwithstanding any resignation, withdrawal of application,~~

1 ~~surrender of the certificate of approval, or denial or revocation of~~
2 ~~the certificate of approval by the foster family agency.~~

3 ~~(9) A foster family agency's failure to comply with the~~
4 ~~department's order to deny or revoke the certificate of employment~~
5 ~~by placing or retaining children in care shall be grounds for~~
6 ~~disciplining the licensee pursuant to Section 1550.~~

7 ~~SEC. 2. Section 1569.20 of the Health and Safety Code is~~
8 ~~amended to read:~~

9 ~~1569.20. Upon the filing of the application for issuance of an~~
10 ~~initial license, the department shall, within five working days of~~
11 ~~the filing, make a determination regarding the completeness of the~~
12 ~~application. If the application is complete, the department shall~~
13 ~~immediately request a fire clearance and notify the applicant to~~
14 ~~arrange a time for the department to conduct a prelicensure survey.~~
15 ~~If the department determines that an application is for licensure~~
16 ~~of a currently licensed facility for which there will be no material~~
17 ~~change to the management or operations of the facility, the~~
18 ~~prelicensure survey is optional at the discretion of the department.~~
19 ~~If the application is incomplete, the department shall notify the~~
20 ~~applicant and request the necessary information. Within 60 days~~
21 ~~of making a determination that the file is complete, the department~~
22 ~~shall make a determination whether the application is in compliance~~
23 ~~with this chapter and the rules and regulations of the department~~
24 ~~and shall either immediately issue the license or notify the applicant~~
25 ~~of the deficiencies. The notice shall specify whether the~~
26 ~~deficiencies constitute denial of the application or whether further~~
27 ~~corrections for compliance will likely result in approval of the~~
28 ~~application.~~

29 ~~SEC. 3. Section 1569.33 of the Health and Safety Code is~~
30 ~~amended to read:~~

31 ~~1569.33. (a) Every licensed residential care facility for the~~
32 ~~elderly shall be subject to an annual unannounced visit by the~~
33 ~~department. The department shall visit these facilities as often as~~
34 ~~necessary to ensure the quality of care provided.~~

35 ~~(b) The department shall conduct more frequent unannounced~~
36 ~~visits of a facility under any of the following circumstances:~~

37 ~~(1) When a license is on probation.~~

38 ~~(2) When the terms of agreement in a facility compliance plan~~
39 ~~require more frequent unannounced visits.~~

40 ~~(3) When an accusation against a licensee is pending.~~

1 ~~(4) When a facility requires more frequent unannounced visits~~
2 ~~as a condition of receiving federal financial participation.~~

3 ~~(5) In order to verify that a person who has been ordered out of~~
4 ~~the facility for the elderly by the department is no longer at the~~
5 ~~facility.~~

6 ~~(e) The department shall notify the residential care facility for~~
7 ~~the elderly in writing of all deficiencies in its compliance with the~~
8 ~~provisions of this chapter and the rules and regulations adopted~~
9 ~~pursuant to this chapter, and shall set a reasonable length of time~~
10 ~~for compliance by the facility.~~

11 ~~(d) Reports on the results of each inspection, evaluation, or~~
12 ~~consultation shall be kept on file in the department, and all~~
13 ~~inspection reports, consultation reports, lists of deficiencies, and~~
14 ~~plans of correction shall be open to public inspection.~~

15 ~~(e) As a part of the department's evaluation process, the~~
16 ~~department shall review the plan of operation, training logs, and~~
17 ~~marketing materials of any residential care facility for the elderly~~
18 ~~that advertises or promotes special care, special programming, or~~
19 ~~a special environment for persons with dementia to monitor~~
20 ~~compliance with Sections 1569.626 and 1569.627.~~

21 ~~SEC. 4. Section 1597.09 of the Health and Safety Code is~~
22 ~~amended to read:~~

23 ~~1597.09. (a) Each licensed child day care center shall be~~
24 ~~subject to an annual unannounced visit by the department. The~~
25 ~~department shall visit these facilities as often as necessary to ensure~~
26 ~~the quality of care provided.~~

27 ~~(b) The department shall conduct more frequent unannounced~~
28 ~~visits to a licensed child day care center under any of the following~~
29 ~~circumstances:~~

30 ~~(1) When a license is on probation.~~

31 ~~(2) When the terms of agreement in a facility compliance plan~~
32 ~~require more frequent unannounced visits.~~

33 ~~(3) When an accusation against a licensee is pending.~~

34 ~~(4) In order to verify that a person who has been ordered out of~~
35 ~~a child day care center by the department is no longer at the facility.~~

36 ~~SEC. 5. Section 1597.55a of the Health and Safety Code is~~
37 ~~amended to read:~~

38 ~~1597.55a. Every family day care home shall be subject to an~~
39 ~~annual unannounced visit by the department as provided in this~~

1 ~~section. The department shall visit these facilities as often as~~
2 ~~necessary to ensure the quality of care provided.~~

3 ~~(a) The department shall conduct an announced site visit prior~~
4 ~~to the initial licensing of the applicant.~~

5 ~~(b) The department shall conduct more frequent unannounced~~
6 ~~visits to a facility under any of the following circumstances:~~

7 ~~(1) When a license is on probation.~~

8 ~~(2) When the terms of agreement in a facility compliance plan~~
9 ~~require more frequent unannounced visits.~~

10 ~~(3) When an accusation against a licensee is pending.~~

11 ~~(4) In order to verify that a person who has been ordered out of~~
12 ~~a family day care home by the department is no longer at the~~
13 ~~facility.~~

14 ~~(c) A public agency under contract with the department may~~
15 ~~make spot checks if it does not result in any cost to the state.~~
16 ~~However, spot checks shall not be required by the department.~~

17 ~~(d) The department or licensing agency shall make an~~
18 ~~unannounced site visit on the basis of a complaint and a followup~~
19 ~~visit as provided in Section 1596.853.~~

20 ~~(e) An unannounced site visit shall adhere to both of the~~
21 ~~following conditions:~~

22 ~~(1) The visit shall take place only during the facility's normal~~
23 ~~business hours or at any time family day care services are being~~
24 ~~provided.~~

25 ~~(2) The inspection of the facility shall be limited to those parts~~
26 ~~of the facility in which family day care services are provided or~~
27 ~~to which the children have access.~~

28 ~~(f) The department shall implement this section during periods~~
29 ~~that Section 1597.55b is not being implemented in accordance~~
30 ~~with Section 18285.5 of the Welfare and Institutions Code.~~